

DOCKET NO.: ORTU-0007

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In Re Application of:

Robert A. Raffa, Jeffrey Vaught

Confirmation No.: 2441

Application No.: 10/761,096

Group Art Unit: 1614

Filing Date: January 20, 2004

Examiner: Jones, Dwayne C.

**For: COMPOSITIONS COMPRISING A TRAMADOL MATERIAL AND
ACETAMINOPHEN AND ITS USE**

**EXPRESS MAIL LABEL NO: EV 614721857 US
DATE OF DEPOSIT: October 24, 2005**

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to 37 CFR § 1.56 and in accordance with 37 CFR §§ 1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 CFR § 1.56(b).

- ☐ In accordance with § 1.97(b), since this Information Disclosure Statement is being filed either within three months of the filing date of the above-identified application, within three months of the date of entry into the national stage of the above identified application as set forth in § 1.491, before the mailing date of a first Office Action on the merits of the above-identified application, or

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before the mailing date of a first Office Action after the filing of request for continued examination under § 1.114, no additional fee is required.

- ☐ In accordance with § 1.97(c), this Information Disclosure Statement is being filed after the period set forth in § 1.97(b) above but before the mailing date of either a Final Action under § 1.116 or a Notice of Allowance under § 1.311, or before an action that otherwise closes prosecution in the application, therefore:

☐ Certification in Accordance with § 1.97(e) is attached; or

☐ The fee of \$180.00 as set forth in § 1.17(p) is attached.

- ☒ In accordance with § 1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under § 1.113 or a Notice of Allowance under § 1.311 but before, or simultaneously with, the payment of the Issue Fee, therefore included are: Certification in Accordance with § 1.97(e); and the submission fee of \$180.00 as set forth in § 1.17(p).

- ☒ Copies of reference numbers **270, 271, 272** listed on the attached Form PTO-1449 are enclosed herewith.

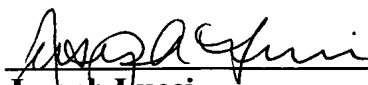
- ☐ Copies of reference numbers - on the attached Form PTO 1449 are not required to be submitted pursuant to 37 CFR § 1.98(a)(2)(i).

- ☐ Copies of references - are not being submitted because they were previously cited by or submitted to the U.S. Patent and Trademark Office in patent application number , filed for which a claim for priority under 35 U.S.C. § 120 has been made in the instant application.

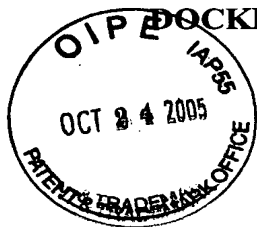
There are no listed references which are not in the English language.

Please charge any deficiency or credit any overpayment to Deposit Account No. 23-3050. This form is submitted in duplicate.

Date: **October 24, 2005**


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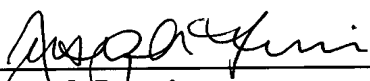
CERTIFICATION UNDER 37 CFR § 1.97(e)

In accordance with 37 CFR § 1.97(e), certification is hereby made that:

- ☐ Each item of information contained in the information disclosure statement was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of the Information Disclosure Statement.

- ☒ No item of information contained in the Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the person signing the certification after making reasonable inquiry, no item of information contained in the information disclosure statement was known to any individual designated in § 1.56(c) more than three months prior to the filing of the information disclosure statement.

Date: **October 24, 2005**


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Form PTO-1449 Modified List of Patent and Publications Cited by Applicant (Use several sheets if necessary) U.S. Department of Commerce Patent and Trademark Office	Docket No. ORTU-0007	Application No. 10/761,096
	Applicant Robert A. Raffa, Jeffrey Vaught	
	Filing Date January 20, 2004	Group 1614
	Confirmation No. 2441	
OTHER DOCUMENTS (Including Author, Title, Date, Pertinent Pages, Etc.)		
	270	In the United States District Court for the Eastern District of Michigan, Ortho-McNeil Pharmaceutical, Inc., Plaintiff, v. Caraco Pharmaceutical Laboratories, Ltd., Defendant., Case No: 04-CV-73698, Caraco's Reply Brief in Support of Its Motion for Summary Judgment of Non-Infringement, September 7, 2005
	271	In the United States District Court for the Eastern District of Michigan, Southern Division, Ortho-McNeil Pharmaceutical, Inc., Plaintiff, v. Caraco Pharmaceutical Laboratories, Ltd., Defendant., Case No: 04-CV-73698, Opinion and Order Granting Defendant's Motion for Summary Judgment of Non-Infringement, October 19, 2005, 11 pages
	272	In the United States District Court for the Eastern District of Michigan, Southern Division, Ortho-McNeil Pharmaceutical, Inc., Plaintiff, v. Caraco Pharmaceutical Laboratories, Ltd., Defendant., Case No: 04-CV-73698, Judgment, October 19, 2005, 1 page
EXAMINER		DATE CONSIDERED